

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DR. MAGDY FOUAD, individually and on  
behalf of all others similarly situated,  
  
Plaintiff,  
  
v.  
  
ISILON SYSTEMS, INC., et al.,  
  
Defendants.

No. C07-1764 MJP

**LEAD PLAINTIFF'S UNOPPOSED  
MOTION FOR PRELIMINARY  
APPROVAL OF SETTLEMENT**

Lead Plaintiff Dr. Magdy Fouad ("Lead Plaintiff") hereby moves the Court for entry of an order (i) granting preliminary approval of the proposed Settlement set forth in the Stipulation of Settlement dated October 23, 2009; (ii) approving the form and manner of giving notice of the proposed Settlement to the Class; (iii) certifying the proposed Class for purposes of settlement, and (iv) setting a hearing date for final approval of the Settlement and all its terms and elements, including the proposed Plan of Allocation. Lead Plaintiff's Counsel have conferred with Defendants' Counsel prior to filing this motion, and Defendants concur with and join in this motion.

This Motion is based upon the Stipulation of Settlement and all exhibits attached thereto; the [Proposed] Order for Notice and Hearing which provides for the preliminary approval of the

1 Settlement and the distribution of the Notice; all other pleadings and matters of record; and such  
2 additional evidence or argument as may be presented at the hearing.

3 Because all of the Parties to this action concur in the filing of this motion, they request  
4 that the Court approve this motion without a noticed hearing. Of course, should the Court desire  
5 more information, we will provide it immediately.  
6

7 Accordingly, Lead Plaintiff requests that the Court enter the [Proposed] Order for Notice  
8 and Hearing, a copy of which is attached hereto.

9 Dated: October 23, 2009

/s/ Elizabeth A. Leland

Lynn Lincoln Sarko, WSBA #16569

Juli E. Farris, WSBA #17593

Elizabeth A. Leland, WSBA # 23433

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200

Seattle, WA 98101-3052

Telephone: (206) 623-1900

Facsimile: (206) 623-3384

jfarris@kellerrohrback.com

bleland@kellerrohrback.com

Liaison Counsel for Lead Plaintiff

Steven J. Toll, Admitted Pro Hac Vice

Lisa M. Mezzetti, Admitted Pro Hac Vice

Matthew K. Handley, Admitted Pro Hac Vice

COHEN MILSTEIN SELLERS

& TOLL PLLC

1100 New York Ave., N.W.

Suite 500 West Tower

Washington, DC 20005

Telephone: (202) 408-4600

Facsimile: (202) 408-4699

stoll@cohenmilstein.com

lmezzetti@cohenmilstein.com

mhandley@cohenmilstein.com

Lead Counsel for Lead Plaintiff

Blair A. Nicholas

Elizabeth Lin

Jon Worm

BERNSTEIN LITOWITZ BERGER &

GROSSMANN LLP

12481 High Bluff Drive, Suite 300

San Diego, CA 92130-3582

1 Telephone: (858) 793-0070  
2 Facsimile: (858) 793-0323

3 Counsel for Plaintiff The Southwest Carpenters  
4 Pension Trust  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**CERTIFICATE OF SERVICE**

I hereby certify that on October 23, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following ECF participants:

Steve W. Berman steve@hbsslaw.com, heatherw@hbsslaw.com

Peter Scott Ehrlichman ehrlichman.peter@dorsey.com, follis.kerry@dorsey.com, seattle.docketing@dorsey.com, young.jan@dorsey.com

Larry Steven Gangnes gangnesl@lanepowell.com, docketing-sea@lanepowell.com, donnellyjoss@lanepowell.com, sebringl@lanepowell.com

Barry M Kaplan bkaplan@wsgr.com, npierce@wsgr.com, srobinson@wsgr.com

Stellman Keehnel stellman.keehnel@dlapiper.com, patsy.howson@dlapiper.com

Christopher Brian Wells wellsc@lanepowell.com, dahlk@lanepowell.com, docketing-sea@lanepowell.com, fosters@lanepowell.com

Robert M Sulkin rsulkin@mcnaul.com, rlindsey@mcnaul.com

Curt Roy Hine line hineline.curt@dorsey.com, jarvis.sally@dorsey.com

Lynn Lincoln Sarko lsarko@kellerrohrback.com

Elizabeth Ann Leland bleland@kellerrohrback.com, dwilcher@kellerrohrback.com

Karl Phillip Barth kbarth@lmbllp.com, shelby@lmbllp.com

Juli E. Farris jfarris@KellerRohrback.com, kzajac@KellerRohrback.com

Roger M Townsend rtownsend@bjtlegal.com, admin@bjtlegal.com

Gregory J Hollon ghollon@mcnaul.com, bzentz@mcnaul.com

David Roy East deast@mcnaul.com, rlindsey@mcnaul.com

Meredith N Landy mlandy@omm.com

Steven J Toll stoll@cohenmilstein.com

Jerome F Birn, Jr jbirn@wsgr.com

LEAD PLAINTIFF'S UNOPPOSED MOTION FOR  
PRELIMINARY APPROVAL OF SETTLEMENT  
(C07-1764 MJP) Page - 4

LAW OFFICES OF  
**KELLER ROHRBACK L.L.P.**  
1201 THIRD AVENUE, SUITE 3200  
SEATTLE, WASHINGTON 98101-3052  
TELEPHONE: (206) 623-1900  
FACSIMILE: (206) 623-3384

Gregory L Watts gwatts@wsgr.com, lbeltran@wsgr.com

Jason Mathew Leviton jleviton@cohenmilstein.com, JML64@georgetown.edu

Christopher F Nelson cnelson@wsgr.com, npierce@wsgr.com, srobinson@wsgr.com

Seth Aronson saronson@omm.com

Matthew K Handley mhandley@cohenmilstein.com

Lisa M Mezzetti lmezzetti@cohenmilstein.com

Daniel S Sommers dsommers@cohenmilstein.com

Bryan C Keane keane.bryan@dorsey.com, maikkula.myrna@dorsey.com

Vivi Tran vtran@omm.com

Sara M Folchi mpaul@omm.com, sfolchi@omm.com

Southwest Carpenters Pension Trust rtownsend@bjtlegal.com

**KELLER ROHRBACK L.L.P.**

/s/ Elizabeth A. Leland

---

Elizabeth A. Leland, WSBA #23433  
bleland@kellerrohrback.com  
1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
Telephone: (206) 623-1900  
Facsimile: (206) 623-3384